



Official Minutes of the City of Cottonwood
Planning & Zoning Commission Meeting
Held June 16, 2008 at 6:00 PM at the Council Chambers
826 N. Main Street - Cottonwood, Arizona

Call to Order

Vice Chairperson Kiyler called the meeting to order at 6:00 PM.

Roll Call

Chairperson Gillespie	Absent	Member Kevin	Present
Vice Chairperson Kiyler	Present	Member Lovett	Present
Member Fisher	Present	Member Smith	Present
Member Gonzales	Present		

Staff Present:

Doug Bartosh, City Manager	Morgan Scott, Staff Engineer
Charlie Scully, Planner	Wes Ballew, Planner
Carol Hulse, Planning Technician	

Public Present:

Mark Behm	Doug Hulse	Jon Hutchinson
Steve Neuberger	Dr. Bob Richards	

Consideration of Minutes of May 19, 2008

Commissioner Smith moved to table consideration of the May 19 minutes until the next meeting. Commissioner Kevin seconded and the motion carried unanimously.

CONSIDERATION OF THE FOLLOWING HEARING APPLICATIONS:

PCU 07-059 Consideration of a request for an extension of time required to initiate activity associated with a Conditional Use Permit granted December 17, 2007 to allow auto sales and service in a C-1 (Light Commercial) zone located at 108 N. Main Street. APN: 406-34-001H, 002A, 007A. Applicant: Freedom Auto Sales. Agent: Mark Behm.

Planner Ballew introduced the item explaining that the conditional use permit was approved about six months ago and is back before the Commission because Section 302 of the Zoning Ordinance specifies that activity must begin within six months or be renewed. Activity was delayed because of environmental concerns on the property. Therefore, the applicant requested an extension of the use permit to allow resolution of the concerns. He said there are no changes to the proposed plan reviewed in December.

Steve Neuberger, representing Freedom Auto Sales, said the property is in escrow again after falling out. Escrow was reopened but they are waiting for the current owner to deal with the environmental concerns. Mr. Neuberger said his contract is binding after June 21. He was seeking assurance that the conditional use permit would not be revoked for lack of activity before environmental concerns are addressed and explained that the assurance is necessary for financing reasons. Mr. Neuberger requested a one-year extension, although the staff memo requested a 6-month extension.

The Commission discussed pros and cons of the length of the extension. Planner Scully read from Section 302.F.2 of the Zoning Ordinance regarding time limits on conditional use permits and said it appears to allow the Commission flexibility to extend the permit for one-year as long as the applicant “diligently pursues.” The applicant has demonstrated such intent. Commissioner Fisher expressed concern about an extension greater than six months because of the history of the project. Mr. Neuberger promised to let the City know immediately of any changes in status such as falling out of escrow again.

Commissioner Smith moved to approve a one-year extension of PCU 07-059 with the prior stipulations still in effect. The five prior stipulations from the December 17, 2007 meeting (original approval) were:

- 1. That all improvements be made to the property before a Certificate of Occupancy be issued. No sales or other activities will be allowed prior to a Certificate of Occupancy.*
- 2. That activity on the property is restricted to the hours of 7 A.M. and 8 P.M.*
- 3. That any testing or test-driving of vehicles be restricted to commercial streets. Residential streets should be avoided.*
- 4. That building permits be obtained for all improvements.*
- 5. That the Conditional Use Permit be reviewed in one year.*

Commissioner Gonzales seconded the motion, which carried with all members present voting in favor.

Z 08-001 Consideration of a request for a zone change from R-2 (Single Family / Multiple Family Residential) and R-3 (Multiple Family Residential) to CF (Community Facility) to accommodate construction of a proposed 52,000 (approx.) square foot Community Aquatics/Recreation Center for the City of Cottonwood. The property includes about 5.5 acres located next to the City’s Public Library / Pool and Tennis Court complex adjacent to the intersection of Paula Street and South Sixth Street, in Cottonwood. APN 406-42-181 / 406-42-182 / 406-42/252B. Owner: City of Cottonwood. Agent: Doug Bartosh, City Manager.

Vice Chairperson Kiyler advised those present that the purpose of the Recreation Center hearing was for a zoning change of the property only. Therefore, the Commission would not allow discussion about financing, construction of the facility, or anything not directly related to the rezoning question.

Planner Ballew presented the item. He described the proposed building, site, location, and surrounding neighborhood and projected graphics depicting each. He said the reasons for the rezoning request are:

- CF zone allows flexibility in building height – this building is proposed to be 47 feet high
- Allows flexibility in set backs and parking
- Would better conform to the Zoning Ordinance for this use.
- There has been discussion about bringing all city buildings under the CF zone.

Mr. Ballew said parking is a potential issue and there is no clear-cut matching standard for this use. Scott Mangarpan, City Project Manager, studied other similar facilities and said the available parking for this facility is mid-range in comparison. They are working on a shared parking agreement with Yavapai County since the peak use at the County Building is daytime (8 – 5) Monday-Friday and the Recreation Center’s parking needs would be greatest at night and on

weekends. Mr. Ballew noted there was no input from the residents at the neighborhood meeting held regarding this rezone application.

Staff Engineer, Morgan Scott (representing Scott Mangarpan), and City Manager Bartosh answered Commission member's questions by providing the following information.

- Access would be Paula Street from 6th Street and from Mingus Avenue
- Paula Street would be improved with curbing on both sides and sidewalk on one side
- There are approximately 200 parking spaces on site.

Commissioner Gonzales questioned the wording of the second staff recommended stipulation. Planner Ballew said the intention was to say that the Recreation Center plans be approved by the Development Review Board.

No one came forward to speak for or against the rezoning and Vice Chairperson Kiyler closed the floor to the public.

During additional discussion about parking, Mr. Bartosh said the shared-parking agreement with the County had not yet been signed but there would be an intergovernmental agreement (IGA). He also explained a possible land trade with the County that would create more efficient parking for them and the Recreation Center. He said the IGA would improve the Library parking as well.

Commissioner Kevin made the motion to approve Z 08-001 with two stipulations:

- 1. That the applicants negotiate a shared parking agreement with Yavapai County for the parking at their facility.*
- 2. That the Development Review Board approve the Recreation Center design.*

Commissioner Gonzales seconded and the motion carried unanimously.

UNFINISHED BUSINESS:

ZO 08-011 Discussion and possible action regarding amendments to Section 201 (Definitions); and Section 405 (Sign Code) including possible changes to sign code definitions, sign allowance standards, and requirements associated with repair, renovation, or replacement of legal, non-conforming signs.

Planner Scully presented. He provided a brief history of the process to date and noted that the current ordinance has two definitions of a sign and they are different.

Mr. Scully highlighted some issues and talked about how the draft revision addresses them. Some of those were as follows.

- Intent of the sign definition is to be broad and not to apply to any specific sign. If a type of use or sign is not mentioned in the ordinance that does not mean it is allowed. If not mentioned, it is specifically prohibited.
- Any commercial sign needs a sign permit.
- Placement of flexibility in standards such as dealing with signage for a corner business, a large building, or a building set further back from the street. He noted that other cities allow sign area based on scale to the building.
- Flexibility on legal non-conforming signs.

- Current height limit of 15-foot is not appropriate on larger buildings.

Mr. Scully said the draft revision of the sign code includes an approach for allowing larger signs on larger buildings and taller signs based on building height and design. Signs would not be allowed above the roofline. Sign faces could be replaced on non-conforming signs but other changes such as moving the building or the sign would require that the sign conform.

Commission members and Mr. Scully discussed the next steps. Mr. Scully advised the Commission that staff could do additional work on parts of it or the Commission could send it on to Council. Commissioner Lovett said it was time to send it on to Council. If Council felt there were unresolved issues, Council could send it back to the Commission with specific areas to work on. Several members expressed agreement.

Commissioner Kevin moved to consider the current action on the sign ordinance (ZO 08-011) complete and forward it to the City Council for their action. Commissioner Lovett seconded and the motion carried unanimously.

Commission members praised Mr. Scully highly for his extensive work on this ordinance revision.

ZO 08-020 Discussion and possible action regarding amendment to Section 404.P (General Provisions) regarding requirements for temporary use permits, special events and related signage; Section 405.G.9 (Temporary Signs) regarding amendments to standards for temporary signs; and adding Section 307 regarding Temporary Uses.

Planner Scully presented. He explained that temporary uses are land use issues because they affect surrounding properties and traffic. He detailed uses, standards, and criteria and enumerated several things that could fall under “special event.” He also enumerated several exceptions called out in the draft ordinance that would not require a temporary use permit such as yard sales, church and school events, and events at community clubhouses. He emphasized that, even though they do not require a permit, there are standards/regulations that apply. Using yard sales as an example, he explained that the ordinance does not require a permit. However, yard sales can become a problem if someone conducts them perpetually. Another example was community clubhouses that might hold something such as an art show. They are set up for that purpose and the ordinance would not require a permit. However, it would be different if they imported truckloads of things for a big event. The ordinance is set up to address some of those things. He said there are additional regulations relating to signs for those events.

Commissioner Smith commented that it looked like 99% of these events would only require administrative approval. Mr. Scully said they would require more extensive review only if the applicant wanted something not specifically allowed by the ordinance such as a longer period of time.

Dr. Bob Richards inquired how the draft ordinance would affect block parties. Mr. Scully said they are special events and explained the permit process. He said there is no major change from the current ordinance except increased specificity such as how far in advance of an event signs can go up.

With no other response from the public, Chairperson Kiyler closed the floor to the public.

After brief comments by Commission members that this was ready to go to Council, Commissioner Gonzales made the following motion.

Commissioner Gonzales moved to approve ZO 08-020 and move it on to Council for their consideration. Commissioner Smith seconded the motion, which carried on a five to zero vote (Commissioner Kevin was not present for this vote).

ZO 08-012 Discussion and possible action regarding proposed amendments to Section 424 (“PAD” Planned Area Development Zone) pertaining to revised procedures, criteria, and submittal format for Planned Area Developments.

Planner Scully introduced ZO 08-012. He said this was discussed since October of last year and the last discussion left off with concern about the open space formula. Some questions were raised about tying the open space aspect of this into some other options such as in-lieu fees or reducing the total amount of open space if developers contribute to other amenities. In talking with the Community Development Director and Chairperson Gillespie, Mr. Scully determined that some of these ideas would take more research and could be worked on later. He said they could move this amendment forward, continue to work on the other ideas, and do another amendment in the future. He said there had been no major changes since the last discussion.

Commission members had questions as follows.

Commissioner Smith questioned G.6 on pg 72 that says, “The Board shall consider oral and/or written statements from the developer...” The word “oral” concerned him because he believed a developer’s oral statements were not binding. Other instances of the use of the word “oral” were pointed out. Planner Scully suggested changing the wording in those instances to “The Board/Commission should conduct a public hearing and make a recommendation.” The commissioners expressed agreement with correcting all instances with that wording.

Vice Chairperson Kiyler invited comments from the public. Dr. Bob Richards responded and talked about page 59 #13 – about PADs that abut open space or National Forest. Dr. Richards believed the part that says “shall be encouraged to provide an appropriate approach for transition, screening” does not require anything but should require access to the open space or National Forest land. Commissioner Smith asked Dr. Richards how he would phrase it. Dr. Richards said that any development that abuts the National Forest should have trailhead access to the National Forest trails. He questioned the need for screening and buffering between the housing and the National Forest. Commissioner Lovett noted that the Forest Service asks for a barrier if there are no approved trails. They do not want “social” trails and the Commission should not encourage something that land managers do not want. Dr. Richards said the wording should be more specific about barriers.

Chairperson Kiyler closed the floor to the public and said he would like this referred back to Mr. Scully to look for other instances of “oral” (as previously discussed). Commissioner Lovett suggested alternative wording such as “The governing body can make oral statements stipulations.”

The Commission and Mr. Scully engaged in further discussion about PADs that abut National Forest land. Mr. Scully explained that the statement in the ordinance had to do with land use transitions and was intended to discourage placement of the highest density areas against National Forest or other public lands. He said that PADs are discretionary approval by nature and, therefore, statements are general. There could be more details. However, trails, trailheads, and open space deserve their own statement and must be worded carefully to work with the Forest Service. Commissioner Lovett suggested consulting the Forest Service for acceptable verbiage.

Commissioner Fisher motioned to refer ZO 08-012 back to staff for further work. Commissioner Lovett seconded and the motion carried unanimously.

NEW BUSINESS:

ZO 08-025 Discussion and possible action regarding proposed amendments to the Zoning Ordinance, Section 406.D (Parking and Loading Requirements / Schedule of Off-Street Spaces) establishing new standards for “big box” retail uses; and creating parking reductions for shared or common parking areas.

Planner Scully explained that several issues with parking surfaced recently. These issues have to do with increased efficiency in the use of parking. He explained current standards and they are a one-size-fits-all that does not always work for all situations. He projected a slide show to illustrate the point. Mr. Scully explained the shared parking concept and ways of fine-tuning shared parking. He said shared parking is used commonly in central city and other compact development areas. Shared parking is an innovative approach to reduce parking requirements. The developer would have to develop a plan and demonstrate that the shared parking would work.

Mr. Scully said another concept is off-site parking, which is not well detailed in the current ordinance. He explained the concept. He emphasized the need for “enforceable legal measures” with either shared or off-site parking. The measures could be a recorded document or simply a letter.

Mr. Scully said they have discussed changing the current parking standards for retail, which are 1 space per 200 square feet of building, to 1 per 250 square feet for larger retail. For larger stores like Home Depot, the 1 per 200 sq. ft. standard creates over parking. His research showed the 250 square feet was standard. He illustrated an additional problem explaining that, with the fixed 1 per 200 square foot standard, you can calculate parking for a shopping center but if a restaurant wants to build later, that does not work. Then, the options are to say no to the restaurant or figure some mechanism to allow it.

Commission members discussed space widths and requirements for number of handicapped spaces. Several members expressed opinions that needs are different in different communities. They said that in this rural area with SUVs and large dually pickups, spaces should be larger than the nine-foot requirement. Additionally, with the demographics in this area, there is a higher proportion of people who require handicap spaces and there are not enough provided by the minimum requirement.

Planner Scully noted that the current ordinance bases number of parking spaces on “usable” floor space and that creates debates between staff and developers about the definition of “usable.”

After miscellaneous discussion, Commissioner Smith made the following motion.

Commissioner Smith moved to send ZO 08-025 back to staff for further review and adjustments. Commissioner Gonzales seconded and the motion carried unanimously.

ZO 08-026 Discussion and possible action regarding proposed amendments to the Zoning Ordinance, Section 407 (Landscaping Requirements) to better address water conservation concerns and to provide increased effectiveness in addressing aesthetic concerns.

Planner Scully began the discussion on proposed amendments to the landscape ordinance. He projected a slide show and explained the purpose and benefits of the landscape ordinance. He briefly reviewed the current landscape ordinance and noted issues the proposed amendment would correct (as follows).

- Rearrange the list. The current plant list is arranged alphabetically by botanical name and is not grouped by type of plant.
- Remove plants from the list that are not recommended by landscape professionals and add those that are.
- Add prohibited plants/trees.
- Define by area such as riparian or upland.
- The phrase “where appropriate” needs definition.
- Identify plants/trees as “native” or “adaptive.”
- Address xeriscape techniques.
- Address gray water or rainwater use.
- Would allow looking at landscape relationship to various elements of the site plan instead of specific percentages.
- Balance water use with the long-term benefits of having shade.

Mr. Scully emphasized that the ordinance would apply to commercial projects and subdivisions. It would not apply to existing individual homes.

He projected photos of the Manzanita Medical Center off Willard Road, talked about the landscape islands and medians in the parking lot, noted that the developer came in with this plan, and said it is something that could be described in any developer’s plans.

Referencing page 8, section 5, “...Plants with these characteristics should generally be avoided...” Commissioner Kevin said he would like to go further and say they are prohibited in Cottonwood and the sales are prohibited in Cottonwood, even for single-family residences. Mr. Scully said we do not enforce landscaping on an individual homeowner. There was miscellaneous discussion about enforcement that led to discussion about education. Mr. Scully said there should be more resources for education – there should be a “why” connected with the list. A passive approach with brochures and links to the website would be a place to start.

Vice Chairperson Kiyler said the list should go to the Design Review Board for their input.

Commissioner Smith suggested consulting with a master gardener.

Commissioner Smith motioned to send ZO 08-026 back to staff for additional work and to the Development Review Board for their input. Commissioner Fisher seconded and the motion carried unanimously.

Discussion of possible future work sessions.

Planner Scully announced that Director Gehlert is working on the next joint session with Council scheduled for September.

Possible discussion of monthly Departmental reports, such as Building Department and Code Enforcement reports.

Commissioner Smith talked about the Code Enforcement report, boarding houses, and that it appears that David Carl is going out of business.

Informational Reports and Updates.

There was no discussion of this item.

Call to the Public

No public responded.

Adjournment

Vice Chairperson Kiyler adjourned the meeting at 8:28 PM.

Minutes prepared by: Carol Hulse

Date Approved: _____